



KEY THEME¹

Article 9

Wearing of religious symbols in public areas

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General Principle

Wearing a religious symbol or item of clothing in public areas is an action protected by Article 9 § 1. An individual who has made religion a central tenet of his or her life must, in principle, be able to manifest that belief and to communicate it to others, *inter alia* by wearing religious symbols and items of clothing, all the more so because a healthy democratic society needs to tolerate and sustain pluralism and diversity in the religious sphere (*Eweida and Others v. the United Kingdom*, 2013, §§ 89 and 94). However, this right is not absolute and must be balanced with the legitimate interests of other natural and legal persons. The breadth of the margin of appreciation left to the respondent State depends on the context in which the religious symbol or item of clothing is being worn.

Principles that can be deduced from the current case-law

Wearing of religious symbols and items of clothing by private individuals:

- only very exceptional circumstances could (theoretically) justify an interference with wearing religious clothing in common public places such as streets, squares, parks, etc. (*Ahmet Arslan and Others v. Turkey*, 2010);
- however, the State may ban wearing of an item of clothing which conceals the face (*S.A.S. v. France* [GC], 2014; *Belcacemi and Oussar v. Belgium*, 2017; *Dakir v. Belgium*, 2017);
- a ban on wearing religious clothing by private individuals in a courtroom is not justified, provided that the clothing does not interfere with the normal conduct of proceedings and is not intended to show disrespect to the court (*Hamidović v. Bosnia and Herzegovina*, 2017; *Lachiri v. Belgium*, 2018);
- State authorities may legitimately request that a piece of religious clothing be removed in special circumstances for security reasons (airport security checks, identity photographs, etc.) (*Phull v. France* (dec.), 2005; *El-Morsli v. France* (dec.), 2008; *Mann Singh v. France* (dec.), 2008).

Wearing of religious symbols and items of clothing by State agents in their workplace or place of service, as well as by students in State schools:

- the State may require that civil servants and contractual employees of State authorities abstain from wearing conspicuous religious symbols and clothing in order to guarantee neutrality of public services and equal treatment of all clients (*Ebrahimian v. France*, 2015);
- this applies in particular to teachers in public schools at all the levels (*Dahlab v. Switzerland* (dec.), 2001; *Kurtulmuş v. Turkey* (dec.), 2006);

¹ Prepared by the Registry. It does not bind the Court.

- the State enjoys a wide margin of appreciation as to whether to allow the wearing of conspicuous items of religious clothing by students in State schools and universities (*Dogru v. France*, 2008; *Leyla Şahin v. Turkey* [GC], 2005).

Wearing of religious symbols and items of clothing by employees in the private sector:

- a company may legitimately impose a dress code on its employees in order to protect a specific commercial image, even if implementing this code can sometimes lead to restrictions on the wearing of religious symbols (*Eweida and Others v. the United Kingdom*, 2013, § 94);
- a hospital (private or public) may likewise restrict the wearing religious symbols or clothing insofar as it is justified by considerations of health and hygiene (*Eweida and Others v. the United Kingdom*, 2013, §§ 98-100).

Further references

Case-law guides:

- [Guide on Article 8 - Right to respect for private and family life, home and correspondence](#)
- [Guide on Article 14 and on Article 1 of Protocol No. 12 - Prohibition of discrimination](#)

Press factsheets:

- [Religious symbols and clothing](#)

Other:

- [Education and Religious Diversity](#) (Council of Europe website)

KEY CASE-LAW REFERENCES

- *Dahlab v. Switzerland* (dec.), no. 42393/98, ECHR 2001-V (complaints under Articles 9 and 14 manifestly ill-founded);
- *Phull v. France* (dec.), no. 35753/03, ECHR 2005-I (inadmissible, manifestly ill-founded);
- *Leyla Şahin v. Turkey* [GC], no. 44774/98, ECHR 2005-XI (no violation of Article 9);
- *Kurtulmuş v. Turkey* (dec.), no. 65500/01, ECHR 2006 II (complaint under Article 9 manifestly ill-founded);
- *El-Morsli v. France* (dec.), no. 15585/06, 4 March 2008 (inadmissible, manifestly ill-founded);
- *Mann Singh v. France* (dec.), no. 24479/07, 13 November 2008 (inadmissible, manifestly ill-founded);
- *Dogru v. France*, no. 27058/05, 4 December 2008 (no violation of Article 9);
- *Ahmet Arslan and Others v. Turkey*, nos. 41135/98, 23 February 2010 (violation of Article 9);
- *Eweida and Others v. the United Kingdom*, no. 48420/10 and 3 others, ECHR 2013 (extracts) (violation/no violation of Article 9, no separate examination/no violation of Article 14);
- *S.A.S. v. France* [GC], no. 43835/11, ECHR 2014 (extracts) (no violation of Articles 8, 9 and 14);
- *Ebrahimian v. France*, no. 64846/11, ECHR 2015 (no violation of Article 9);
- *Belcacemi and Oussar v. Belgium*, no. 37798/13, 11 July 2017 (no violation of Articles 8, 9 and 14);
- *Dakir v. Belgium*, no. 4619/12, 11 July 2017 (no violation of Articles 8, 9 and 14);
- *Hamidović v. Bosnia and Herzegovina*, no. 57792/15, 5 December 2017 (violation of Article 9);
- *Lachiri v. Belgium*, no. 3413/09, 18 September 2018 (violation of Article 9).